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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,641	04/04/2005	Sean Linden	032899-018	5066

21839 7590 03/24/2006

BUCHANAN INGERSOLL PC
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EXAMINER

CHAMBERS, A MICHAEL

ART UNIT	PAPER NUMBER
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3753

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/518,641

Applicant(s)

LINDEN, SEAN

Examiner

A. Michael Chambers

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>01/04/06</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. This action is in response to an amendment filed December 27, 2005. An informational disclosure statement (IDS) filed January 4, 2006, has been considered. Applicant is asked to maintain a clear line of demarcation between the subject matter of applicant's copending application 10/496,342 and the instant application. Claim 16 has been amended to include the recitation of a "glass bulb shattering at high temperature" not previously recited. Claims 1-29 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

4. Claim 1-3, 6, 15 and 21-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Turk et al (Figure 4) in view of GB Document 2 179 767 A (Figure 2). Note the temperature sensitive safety valve including a biased valve actuated to a closed position in

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response to a plurality of sensed conditions including fire 150. An audible alarm 145 is shown.

Venting of vent 122 allows actuation of the valve. Turk et al disclose the claimed invention

except for the recitation the "heat-sensitive sealing means" 23 as taught by GB Document 2 179

767 A . It would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify the temperature-sensitive safety valve of Turk et al to include a

heat sensitive sealing means as taught by 23 of GB Document 2 179 767 A to provide more

effective actuation of the valve of Turk et al. Applicant's remarks were considered and deemed

persuasive. The patent to GB Document 2 179 767 A applied to the claims of applicant's

copending application has been applied to the claims of the instant application.

5. Claims 4, and 7-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turk

et al modified in view of GB Document 2 179 767 A as above further in view of Waldbeser et al

as discussed in the previous office action. The claims are readable on the patent to Turk et al

modified in view of GB Document 2 179 767 A with the exception of remote wireless actuation

as taught by Waldbeser et al. It would have been obvious to one having ordinary skill in the art at

the time the invention was made to the assembly of Turk et al to include remote control as taught

by Figure 2 (remote controller 42), as taught by Waldbeser et al in order to provide remote

actuation of the gas valve 25 of Turk et al to the closed position. 8. Applicant's remarks were

considered and deemed persuasive. As above, the patent to GB Document 2 179 767 A applied

to the claims of applicant's copending application has been applied to the claims of the instant

application.

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6. Claims 5 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Turk et al modified in view of GB Document 2 179 767 A as above further in view of D'Antonio et al. The claims are readable on the patent to Turk et al modified in view of GB Document 2 179 767 A with the exception of solar cell energy source for an ambient condition responsive valve as taught by D'Antonio et al. (see column 6, lines 7+). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the assembly of Turk et al to include a solar cell energy as taught by D'Antonio et al in order to provide a backup power source for the valve 25 of Turk et al. As above, the patent to GB Document 2 179 767 A applied to the claims of applicant's copending application has been applied to the claims of the instant application.

7. Claim 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Turk et al (Figure 4) modified in view of GB Document 2 179 767 A (Figure 2) further in view of Gadini. Turk et al modified in view of the GB Document 2 179 767 A (Figure 2) above disclose the claimed invention except for the recitation the "heat-sensitive sealing means" 23 (being designed to shatter, i.e., made of glass) as taught by Gadini. See column 1, lines 30, especially lines 44 and 45. GB Document 2 179 767 A discloses control of liquid (i.e., a sprinkler for installation in a building). It would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the assembly of Turk et al as above by substituting for the "heat-sensitive sealing means" 23 of the GB Document 2 179 767 A, one designed to shatter as taught by Gadini in order to provide more effective control of the pilot valve element of diaphragm 15 actuated biased 16 valve 9 of GB Document 2 179 767 A.

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Shattering of the "heat-sensitive sealing means" 23 causes the valve assembly to shut down (depressurization of chamber 13). As above, the patent to GB Document 2 179 767 A applied to the claims of applicant's copending application has been applied to the claims of the instant application.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Mangiameli (Figure 1) is of particular interest. See column 2, lines 16+ in which a frangible element is broken to allow actuation of the valve h.

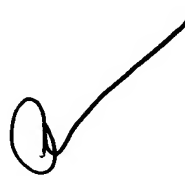
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to A. Michael Chambers whose telephone number is 571-272-4908. The examiner can normally be reached on Mon-Thur. 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on 571-272-4406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

A handwritten signature in black ink, consisting of a stylized 'A' followed by a checkmark-like flourish.

A. Michael Chambers
Primary Examiner
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